

REMARKS

In the Office Action mailed June 24, 2004, Figures 1-3 were objected to, the specification was objected to, and claims 1-26 were rejected. Claims 20 and 21 are cancelled without prejudice. In view of the following remarks and amendments, Applicant respectfully requests reconsideration of the application.

Examiner objected to Figures 1-3 because they fail to show necessary textual labels. Applicant has submitted replacement drawing sheets with the requested textual labels.

Examiner objected to the claim of priority under §119(e). Applicant has removed reference to the unnamed provisional.

Examiner objected to the typographical error in paragraph [0037]. Applicant has corrected this typographical error.

Claims 1-7, 9-11, 13-15, 17-20, 22-24, and 26 were rejected under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,005,939 (hereinafter Fortenberry). Based on the amended claims, Applicant respectfully disagrees.

Applicant respectfully argues that independent Claims 1, 9, 18, and 22 are patentable because the Fortenberry reference does not disclose or suggest every element of each independent claim.

The Fortenberry reference teaches a system of storing personal information. The personal information need only be stored once, at the user's option, assigned a security level for each item of information. (col. 5, line 61 to col. 6, line 7) Further, the Fortenberry reference also teaches presenting the user with a series of queries that may be in the form of menus. In response to the queries, the user enters the requested information such as social security numbers and driver license numbers. A security level may be assigned to each item of information. (col. 7, lines 45-55)

In contrast to the Fortenberry reference, Claim 1 recites, in part:

the context data module is configured to automatically
capture the context data in response to a user input
for an unrelated request

For example, Claim 1 includes the limitation that the context data is automatically captured as the user input is entered for a request that is unrelated to capturing the context data. The Fortenberry reference teaches away from Claim 1 by the Fortenberry reference directly requesting information from the user for the purpose of obtaining and storing this requested information.

Further, Claims 9, 18 and 22 recite, in part:

automatically capturing context data on a transaction
device through responding to a request from a
website wherein the request from the website is
independent from storing the context data on the
storage device.

For example, Claims 9, 18, and 22 include the limitation that the context data is automatically captured in response to a request from a website that is independent to storing the context data. The Fortenberry reference teaches away from Claims 9, 18, and 22 by the Fortenberry reference directly requesting information from the user for the purpose of obtaining and storing this requested information.

Therefore, the Fortenberry reference fails to anticipate Claims 1, 9, 18, and 22. Thus, independent Claims 1, 9, 18, and 22 are in condition for allowance. In addition, Claims 2-7 depend directly or indirectly on Claim 1 and, therefore, are patentable for at least the same reasons discussed above. Claims 10, 11, 13-15, and 17 depend directly or indirectly on Claim 9 and, therefore, are patentable for at least the same reasons discussed above. Claim 19 depends directly or indirectly on Claim 18 and, therefore, is patentable for at least the same reasons discussed above. Claims 23 and 24 depend directly or indirectly on Claim 22 and, therefore, are patentable for at least the same reasons discussed above.

Claims 8, 12, and 21 were rejected under U.S.C. § 103(a) as being unpatentable over the Fortenberry reference in view of U.S. Patent No. 6,297,819 (hereinafter Furst). Applicant respectfully disagrees. Claim 8 depends directly or indirectly on Claim 1 and, therefore, is patentable for at least the same reasons discussed above. Claim 12 depends directly or indirectly on Claim 9 and, therefore, is patentable for at least the same reasons discussed above. Claim 20 has been cancelled.

Claims 16 and 25 were rejected under U.S.C. § 103(a) as being unpatentable over the Fortenberry reference in view of U.S. Patent Application Publication No. 2004/0002903 (hereinafter Stolfo). Applicant respectfully disagrees. Claim 16 depends directly or indirectly on Claim 9 and, therefore, is patentable for at least the same reasons discussed above. Claim 25 depends directly or indirectly on Claim 22 and, therefore, is patentable for at least the same reasons discussed above.

In view of the foregoing remarks, Applicant respectfully submits that all pending claims are in condition for allowance. Such allowance is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard H. Butler at (408) 223-9763.

Dated: 9/24/04

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'Richard H. Butler', written over a horizontal line.

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Amendments to the Drawings:

The attached replacement sheets of drawings include changes to Figures 1-3.

These replacement sheets include annotations to Figures 1-3.

Attachments: Replacement Sheets